

HOUSE BILL NO. 184

INTRODUCED BY MCALPIN

BY REQUEST OF THE STATE LIBRARY COMMISSION

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAWS RELATING TO LIBRARY FEDERATIONS; REMOVING THE DESIGNATION OF FEDERATION HEADQUARTERS LIBRARY; REVISING THE ESTABLISHMENT OF LIBRARY FEDERATIONS; CLARIFYING LIBRARIES' PARTICIPATION IN, AND FUNDING FOR, LIBRARY FEDERATIONS; ESTABLISHING THAT LIBRARY TRUSTEES BE APPOINTED ACCORDING TO FEDERATION BYLAWS; AMENDING SECTIONS 1-11-301, 22-1-103, 22-1-402, AND 22-1-404, MCA; AND REPEALING SECTION 22-1-403, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 1-11-301, MCA, is amended to read:

"1-11-301. Publication and sale of Montana Code Annotated -- free distribution. (1) The legislative council, with the advice of the code commissioner, shall decide on the quantity, quality, style, format, and grade of all publications prior to having the code commissioner call for bids for the printing and binding and contract for their publication. The code commissioner shall follow the requirements of state law relating to contracts and bids, except as provided in this section.

(2) The methods of sale to the public of the Montana Code Annotated and supplements or other subsequent and ancillary publications may be included as an alternative specification and bid and as a part of a contract to be let by bids by the code commissioner.

(3) The sales price to the public of all Montana Code Annotated material must be fixed by the legislative council but may not exceed the cost price plus 25%. All revenue generated from the sale of the Montana Code Annotated or ancillary publications must be deposited in the state special revenue fund. Appropriations from the fund may be made for the use of the office and facilities of the legislative council under this chapter.

(4) Sets of the Montana Code Annotated purchased by the state, Montana local governmental agencies that are supported by public funds, and nonprofit organizations may not exceed the cost price of the sets plus 5%.

(5) (a) ~~The~~ One copy of the Montana Code Annotated and supplements, and other subsequent and

1 ancillary publications except annotations, must be provided at no cost to the following:

2 (i) each library designated as a depository library under 22-1-214, ~~one copy~~;

3 (ii) ~~each library designated as a federation headquarters library under 22-1-402, one copy.~~

4 (b) The state law library in Helena must be provided with four copies of the Montana Code Annotated
5 and supplements, including annotations and other subsequent and ancillary publications.

6 (c) The legislative council shall include in the cost price of the code the cost of providing the copies
7 under this subsection."

8
9 **Section 2.** Section 22-1-103, MCA, is amended to read:

10 **"22-1-103. State library commission -- authority.** The state library commission may:

11 (1) give assistance and advice to all tax-supported or public libraries in the state and to all counties,
12 cities, towns, or regions in the state that propose to establish libraries, as to the best means of establishing and
13 improving those libraries;

14 (2) maintain and operate the state library and make provision for its housing;

15 (3) (a) accept and expend in accordance with the terms of a grant any grant of federal funds that is
16 available to the state for library purposes;

17 (b) accept, receive, and administer any gifts, donations, bequests, and legacies made to the Montana
18 state library. Unless otherwise provided by the donor, gifts, donations, bequests, and legacies must be deposited
19 in the Montana state library trust established in 22-1-225.

20 (4) make rules and establish standards for the administration of the state library and for the control,
21 distribution, and lending of books and materials;

22 (5) serve as the agency of the state to accept and administer any state, federal, or private funds or
23 property appropriated for or granted to it for library service or foster libraries in the state and establish regulations
24 under which funds must be disbursed;

25 (6) provide library services for the blind and for individuals with physical disabilities;

26 (7) furnish, by contract or otherwise, library assistance and information services to state officials, state
27 departments, and residents of those parts of the state inadequately serviced by libraries;

28 (8) act as a state board of professional standards and library examiners, develop standards for public
29 libraries, and adopt rules for the certification of librarians;

30 (9) designate areas for the and establishment of establish federations of libraries ~~and designate the~~

headquarters library for the federations."

Section 3. Section 22-1-402, MCA, is amended to read:

"22-1-402. Library federations -- definition. (1) A library federation is a combination of libraries serving a multicounty, multicity, or city-county area within a federation area designated by the state library commission. Any other public, school, special, college, or university library or town, city, or county within the federation area may participate in a federation.

(2) The governing body of a public library may agree by contract to form a federation with the governing board of another public, school, special, college, or university library if one of the parties is or maintains a library that has been designated by the state library commission as a headquarters library for that federation area. any library may agree to participate in the federation. The participating entities may retain the autonomy over their respective libraries ~~specified in the contract.~~

(3) The expense of providing library services for the library federation must be based on funds received from the state or participating libraries ~~as agreed upon in the contract. The funds of the federation must be maintained as a separate account as provided in the contract. Participating libraries shall transfer semiannually to the account all money collected for the federation in their respective jurisdiction.~~

(4) A participating entity may withdraw from a federation according to the terms for withdrawal provided in the ~~contract by the action of its governing body~~ federation's bylaws.

(5) A federation may contract with other federations, libraries, or the state library to provide federation services."

Section 4. Section 22-1-404, MCA, is amended to read:

"22-1-404. Board of trustees -- coordinator. (1) In a library federation, there must be a board of trustees ~~with advisory powers only, the operation of the library federation having been specified by contract,~~ WITH ADVISORY POWERS ONLY, appointed according to the federation's bylaws. The state library commission, provided for in 22-1-101, shall adopt rules governing the composition of the federation board of trustees. A majority of the members of each federation board of trustees must be trustees of a public library, as defined in 22-1-326.

(2) ~~The library director or a designee of the headquarters library shall serve as the coordinator of the federation and~~ federation membership shall appoint a coordinator of the federation who shall serve as a

1 nonvoting member of the federation ~~advisory~~ board of trustees."

2

3 NEW SECTION. **Section 5. Repealer.** Section 22-1-403, MCA, is repealed.

4 - END -